



CITY COUNCIL
ATLANTA, GEORGIA

AN ORDINANCE

BY TRANSPORTATION COMMITTEE

01- 0 -1867

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION OR ANY OTHER METHOD PROVIDED BY LAW TO OBTAIN FEE SIMPLE TITLE TO THE REAL PROPERTY WITHIN THE AREA OF THE PROPOSED FIFTH RUNWAY PROJECT SOUTH OF HARTSFIELD ATLANTA INTERNATIONAL AIRPORT IN THE CITY OF COLLEGE PARK AND IN UNINCORPORATED CLAYTON COUNTY, WITH THE COSTS THEREOF NOT TO EXCEED \$149,000,000.00 TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta, as owner and operator of The William B. Hartsfield Atlanta International Airport, has undertaken the construction of an additional runway, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park and in unincorporated Clayton County; and

WHEREAS, the City has undertaken the acquisition of the real property for the Fifth Runway Project and the relocation of the residents and businesses situated on such property under a Land Acquisition/Relocation Program pursuant to Resolution No. 01-R-0185, adopted by the Council on February 19, 2001, and approved by the Mayor on February 24, 2001, and funded with revenues generated from the imposition of a Passenger Facility Charge (PFC Funds) and allocated for such purpose, which authorized purchase of same from willing sellers; and

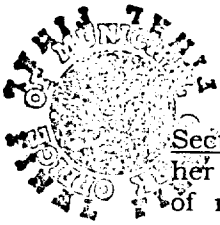
WHEREAS, it will be necessary to institute condemnation proceedings in Clayton County under the State law of eminent domain to acquire all of the property required for the Fifth Runway Project from owners unwilling to sell their property through negotiation; and

WHEREAS, in Section 2.1 of the March 16, 2000 Intergovernmental Agreement between Clayton County and the City of Atlanta, Clayton County has given its consent to the City to acquire by condemnation properties within its jurisdiction for the expansion of the Fifth Runway Project from 6,000 feet to 9,000 feet; and

WHEREAS, it is necessary, pursuant to Section 2-1541(b)(3) of the Atlanta City Code, to authorize the City Attorney to take appropriate legal action to obtain fee simple title to such property, as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That the public necessity for immediately acquiring all of the property within the limits of the established boundaries of said Fifth Runway Project to serve the above stated purposes is hereby declared; and, further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of declarations of taking as a method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of that method is hereby authorized for acquisition of properties within the area shown on the drawing attached hereto as Exhibit A and made a part hereof by reference.



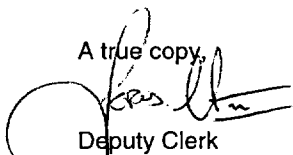
Section 2. That the City Attorney be and hereby is authorized and the City Attorney or her designee be and hereby is directed in each instance and with respect to each parcel of real property located within the project boundaries to institute condemnation proceedings in the name of the City of Atlanta for the quick and effective condemnation of said properties and of every interest therein, for the public uses above set forth, as provided by the Constitution of the State of Georgia and to use the Declaration of Taking method as provided in the above referenced laws or in the alternative the Special Master method of taking as provided in the Georgia Code, O.C.G.A. § 22-2-100, *et seq.*; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the Aviation General Manager or his designee, with the advice and coordination of the City Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements in an effort to resolve and/or settle the condemnation cases.

Section 3. That the cost incurred by the City in connection with the foregoing shall not exceed \$149,000,000.00 and shall be paid from Fund Account Center No. 2H26 571001 R21E052096AA.

Section 4. That the Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefor from the Aviation General Manager or the City Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

Section 5. That the City Attorney be and hereby is authorized to engage the services of outside attorneys and expert witnesses to assist with the condemnation and/or closing of said properties.

Section 6. That all ordinances or parts of ordinances in conflict herewith be and hereby are repealed.

A true copy,

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

DEC 03, 2001
DEC 11, 2001



PROJECT

5TH RUNWAY
LAND ACQUISITION

LEGEND

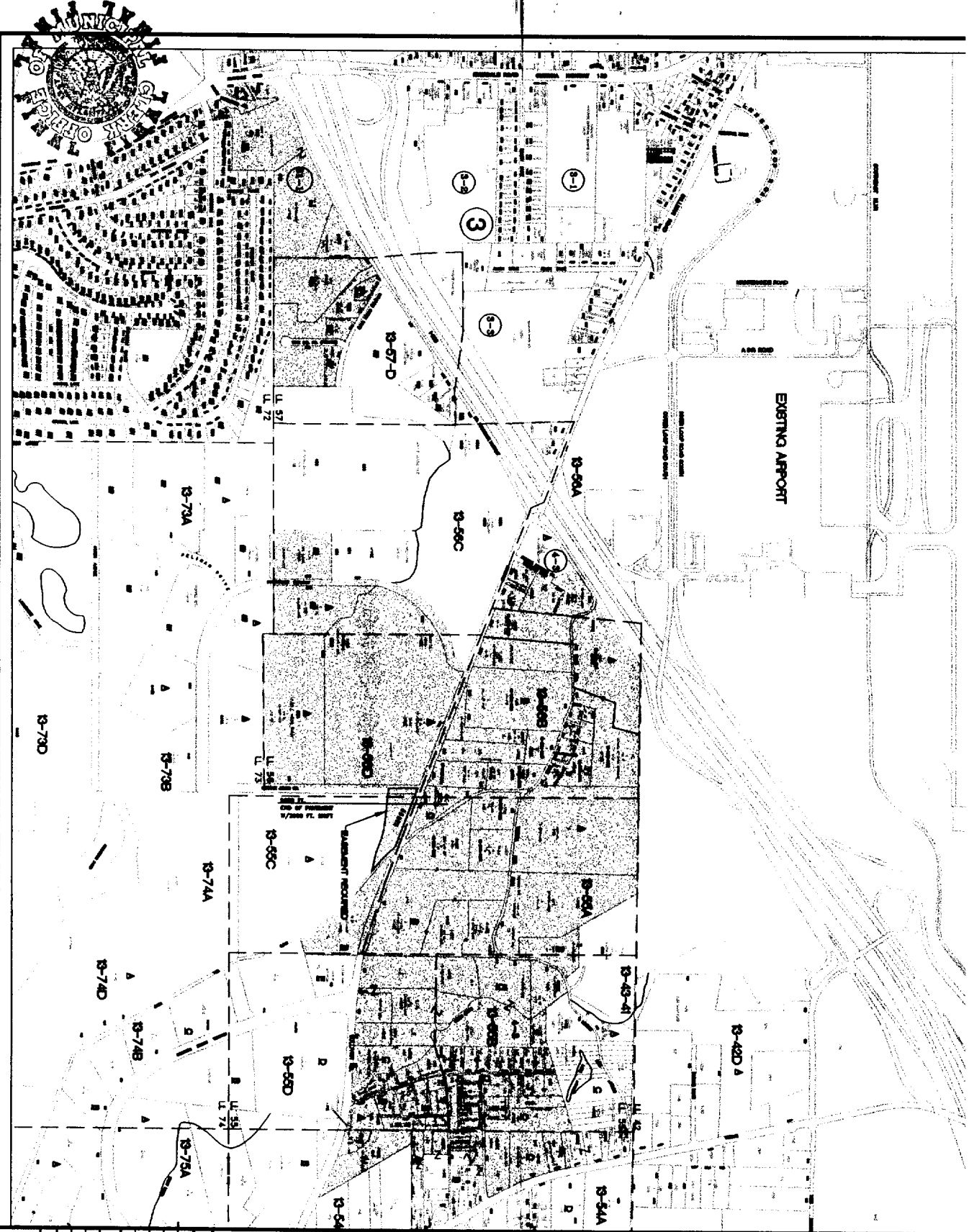


EXHIBIT A

REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/88	ISSUED FOR BIDDING
2	10/1/88	ISSUED FOR BIDDING
3	10/1/88	ISSUED FOR BIDDING
4	10/1/88	ISSUED FOR BIDDING
5	10/1/88	ISSUED FOR BIDDING
6	10/1/88	ISSUED FOR BIDDING
7	10/1/88	ISSUED FOR BIDDING
8	10/1/88	ISSUED FOR BIDDING
9	10/1/88	ISSUED FOR BIDDING
10	10/1/88	ISSUED FOR BIDDING

DATE: 10/1/88

SCALE: AS SHOWN

5TH Runway Construction, Land Acquisition

RCS# 3311
12/03/01
4:01 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 9

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	NV Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1464
01-O-1997

CONSENT

12/03/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1452
2. 01-O-1827
3. 01-O-1645
4. 01-O-1867
5. 01-O-2009
6. 01-O-2010
7. 01-O-1857
8. 01-O-1928
9. 01-O-1929
10. 01-O-1979
11. 01-O-1983
12. 01-O-1992
13. 01-O-1996
14. 01-O-1998
15. 01-O-1999
16. 01-O-2000
17. 01-O-1985
18. 01-O-1986
19. 01-O-2011
20. 01-O-2020
21. 01-O-1801
22. 01-O-1938
23. 01-O-1939
24. 01-O-2017
25. 01-O-1175

**ITEMS ADOPTED ON
CONSENT AGENDA**

26. 01-R-1873
27. 01-R-1957
28. 01-R-1989
29. 01-R-2005
30. 01-R-2006
31. 01-R-2032
32. 01-R-2033
33. 01-R-1954
34. 01-R-1956
35. 01-R-1990
36. 01-R-1943
37. 01-R-1974
38. 01-R-1975
39. 01-R-2030
40. 01-R-2031

01-0-1867

(Do Not Write Above This Line)

AN ORDINANCE

BY TRANSPORTATION COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION OR ANY OTHER METHOD PROVIDED BY LAW TO OBTAIN FEE SIMPLE TITLE TO THE REAL PROPERTY WITHIN THE AREA OF THE PROPOSED FIFTH RUNWAY PROJECT SOUTH OF HARTSFIELD ATLANTA INTERNATIONAL AIRPORT IN THE CITY OF COLLEGE PARK AND IN UNINCORPORATED CLAYTON COUNTY, WITH THE COSTS THEREOF NOT TO EXCEED \$149,000,000.00 TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ADOPTED BY

DEC 03 2001

COUNCIL

- ☒ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 11/19/01

Referred To: Transportation

Date Referred

Referred To:

Date Referred

Referred To:

Committee: TRANSPORTATION

Date: 11/28/01

Chair: C. T. M. Webb

Referred to

Committee

TRANSPORTATION

Date

11/28/01

Chair

C. T. M. Webb

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

DEC 03 2001

COUNCIL PRESIDENT PROTEM

CERTIFIED

DEC 03 2001

Ruth Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

DEC 03 2001

ADOPTED